

**LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT**  
**for March 2, 2005 PLANNING COMMISSION MEETING**

**P.A.S.#:** County Change of Zone #05009

**PROPOSAL:** A Change of Zone from AG Agriculture to AGR Agricultural Residential District on property generally located at the northeast corner of S. 96<sup>th</sup> Street and Wagon Train Road.

**LAND AREA:** 21.83 acres, more or less

**CONCLUSION:** This is shown on the 2025 Comprehensive Plan map as low density residential and thus should be approved.

<b><u>RECOMMENDATION:</u></b>	Approval
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** Lot 41, Irregular tract in the Northwest Quarter of Section 36, T8N, R7E, in the 6th P.M., Lancaster County, Nebraska.

**LOCATION:** Northeast of the corner of S. 96 Street and Wagon Train Road.

**EXISTING ZONING:** AG Agriculture

**EXISTING LAND USE:** farm land/pasture

**SURROUNDING LAND USE AND ZONING:**

North: Agriculture, State property	zoned AG
South: Acreages	zoned AG
East: One residence, and Wagon Train Lake	zoned AG
West: Agriculture and acreages	zoned AG

**ASSOCIATED APPLICATIONS:** None

**HISTORY:** Changed from AA Rural and Public Use to AG Agriculture in the 1979 zoning update. A change of zone from AG to AGR about 1/4 mile south of this parcel, was approved in 2003.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The 2025 Plan shows this as Residential Low Density (pg F 23). This is not in any Lincoln growth Tier. The Hickman Horizon Plan shows this for acreage residential. The 2025 Lincoln Lancaster Comprehensive Plan states:

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. **Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized.** (F69)

“Currently, acreage development has occurred under two development scenarios: AG - Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. (F70)

Acknowledge the “Right to Farm” and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages. (F70)

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. (F70)

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met. (F70)

Development of a performance standard “point system” will allow the location of higher density rural acreage development in either “AG” or “AGR” where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient “points” can be accumulated to justify the development at the requested location.” (F 71)

### **SPECIFIC INFORMATION:**

**UTILITIES:** This area is in the Lancaster Rural Water District #1.

**TOPOGRAPHY:** Gently rolling hills, falling off to the east.

**TRAFFIC ANALYSIS::** S. 96<sup>th</sup> Street and Wagon Train Road adjacent to this site, are paved county roads

**PUBLIC SERVICE:** This area is served by the Norris School District #160, the Hickman Rural Fire District, and is in the Norris Public Power District service area.

**REGIONAL ISSUES:** The location of acreage development and farming. Development around state lakes.

**ENVIRONMENTAL CONCERNS:** There is a cemetery a 1/4 mile south of this site (unnamed/Swiggart). There are no Historic resources identified on this site. A state lake is adjacent to the northeast of this site. There are wetlands and flood plain in the immediate area. The soil rating is approximately 4.8 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil. No feeding operations were noted in the area.

**AESTHETIC CONSIDERATIONS:** development next to a lake

**ALTERNATIVE USES:** Continued agricultural use or one residential lot.

**ANALYSIS:**

- 1) This proposal is for a change of zone on a 21.83 acre parcel to allow a future split creating approximately 6 - 3 acre lots. No subdivision or water report accompany this application.
- 2) This parcel is shown for future acreage development in the 2025 Comprehensive Plan. It is in conformance with the Plan. This also shows for acreage development in the Hickman Horizon Plan.
- 3) The County Engineer recommends joint access locations at the time of development for safety.
- 4) The Nebraska Game and Parks Commission recommendation is to deny the application due to concerns on the ability to hunt on the adjoining SRA within 200 yards of an inhabited dwelling. If approved they recommend a setback be maintained of 200 yards.
- 5) Development potential of this land would be one dwelling unit under the AG zoning and six to seven dwellings under AGR zoning.
- 6) If approved, the special permit provisions of 13.012, for dwellings near a lake, will apply. These include a 200 yard buffer area, lighting restrictions and shielding, spark arresters, a native grass buffer against the park, posting of the property line and protective covenants notifying future owners of public use.
- 7) As requested by the County Board, no scoring is provided on this application.

8). Some acreage review issues can be addressed in this report:

- a) Water/rural water,  
No ground water information is provided for this parcel. This is an area known for better quantity and quality water. This is in a rural water district.
- b) Road access and paving,  
There is pavement via Hickman Road, So. 96<sup>th</sup> and Wagon Train Road.
- c) Soil rating,  
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,  
The land in this area is substantially split into smaller acreage parcels in the immediate area around the lake.
- e) Existing acreages,  
There is acreage development in this immediate area, to the west, east and south, generally around the state lake.
- f) Conflicting farm uses,  
There are no farm feeding operation or other conflicting farm uses noted in a field check.
- g) Environmental issues,  
There are no known environmental issues with this land. There is flood plain, a state lake and wetlands to the east, southeast and northeast. A watershed/water quality plan for Wagon Train Lake has been completed by the State for this area.
- h) Impact on other governmental entities,  
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.
- i) Plans of other towns,  
The Hickman Plan Horizon Plan (one mile beyond their ETJ) shows this area as Ag-residential.

Prepared by:

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Mike DeKalb, 441-6370, [mdekalb@ci.lincoln.ne.us](mailto:mdekalb@ci.lincoln.ne.us)  
Planner

November 18, 2004

**APPLICANT:** Darrie Thavenet - Kvasnicka  
130 W. 1<sup>St</sup>. Street  
Cortland, NE 68331  
(402) 798-7313

**CONTACT:** Darrie Thavenet - Kvasnicka  
130 W. 1<sup>St</sup>. Street  
Cortland, NE 68331  
(402) 798-7313

**OWNER:** Phyllis R. Nelson  
3544 W. Mescal St.  
Phoenix, AZ 85029  
(602) 978-2447



2002 aerial

## County Change of Zone #05009 S. 96th & Wagon Train Rd.

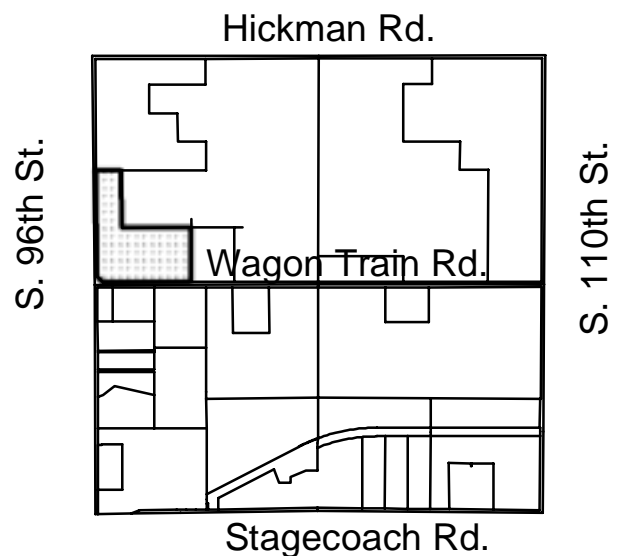
### Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 36 T8N R7E



Zoning Jurisdiction Lines  
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.

January 19, 2005

Honorable County Board of Commissioners:

We are requesting a change of zone from AG to AGR, Article 4 to Article 5, on Lot 41, Block NW, Section 36T 8N, R7E also known as the NE corner of 96<sup>th</sup> & Wagontrain Road in Lancaster County.

The purpose for this change of zone is for future subdivision of the approximately 21 acres into approximately six - 3 acre lots.

My sister and I plan to keep two of the 3 acre lots for ourselves and build houses. We plan to sell the remaining 4 lots.

Both 96<sup>th</sup> St. and Wagontrain Road are paved roads surrounding this land.

If you have any further questions, please feel free to contact me at the address below.

Thank you for your consideration,

Darcie Thavenet-Kvasnicka  
130 W. 1<sup>st</sup> St.  
Cortland, NE 68331  
(402) 798-7313

January 6, 2005

Honorable County Board of Commissioners:

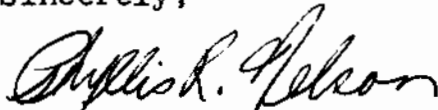
This letter is to inform you that I am the current owner of property at the Northeast Corner of South 96th Street and Wagon Train Road.

I am in the process of selling this property to my two daughters - Connie L. Roush and Darcie L. Kvasnicka and am giving them permission to request a zoning change from AG to AGR.

Legal Description: Lot 41 NW, Sec 36-T8N-R7E

2004 Real Estate Tax Statement: Parcel Number  
15-36-100-001-000

Sincerely,

A handwritten signature in cursive script, appearing to read "Phyllis R. Nelson".

Phyllis R. Nelson  
3544 W. Mescal St.  
Phoenix, AZ 85029



**31.90 | Ac.**

95.71 | Ac.

**LOT 41**  
**21.83 | Ac. Total**  
**20.13 | Ac. Net**

Grand Bank, 1982, page 261  
 87-34834  
 82001-224-00

**LOT 40**  
7.45 | Ac. Total  
7.08 | Ac. Net

877-34834  
 887-25277  
 888-8732  
 884-14428  
 884-50888

CEMETERY  
LOT 1  
2.00 (Ac.)

**LOT 51**  
4.31 | Ag.

871-13100  
 874-4440  
 886-51100  
 888-2200  
 891-7130

**LOT 14**  
10.00 | Ac. Total  
9.55 | Ac. Net

871-0000

LOT 25  
5.01 | Ac.

AT3-1001H  
AT3-1000H

LOT 18  
5.26 | Ac. Total  
5.01 | Ac. Net

LOT 34  
Q.35) Ans. Total  
Q.36) Ans. Min

LOT 23  
3.00 | Ac.

**LOT 48**  
3.30 | Ac.

**LOT 50**  
13.19 | Ac. Total  
13.17 | Ac. Net

#2002-14347  
#2003-52 (a)  
#2003-14806

**LOT 26**  
**33.61 | Ac. Total**  
**32.63 | Ac. Net**

#73-10818  
#72-10884  
#88-17548  
#3003-8721

**LOT 49**

Lancaster

DON R. THOMAS - COUNTY ENGINEER

County

Engineering

Department

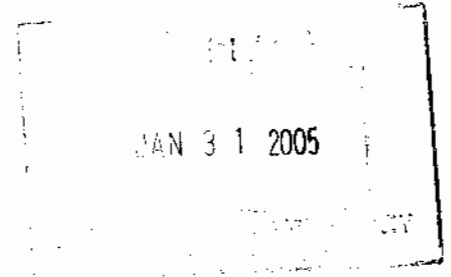
DEPUTY- LARRY V. WORRELL  
COUNTY SURVEYOR

**DATE:** January 28, 2005

**TO:** Mike DeKalb  
Planning Department

**FROM:** Larry V. Worrell  
County Surveyor

**SUBJECT:** CHANGE OF ZONE #05009  
SOUTH 96<sup>TH</sup> STREET & WAGON TRAIN ROAD



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This office normally would not recommend approval for an application of this size. Since this area is within the approved Comprehensive Plan as acreage lots, we would require access locations be jointly used and in a visually safe location.

LVW/bml

zone/#05009.Mem.



## Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / [www.outdoornebraska.org](http://www.outdoornebraska.org)

February 3, 2005

Mike Dekalb  
Lincoln/Lancaster County Planning  
555 S. 10<sup>th</sup> Street #213  
Lincoln, NE 68508

**RE: County Change of Zone #05009, AG to AGR, Northeast corner of 96<sup>th</sup> and Wagon Train Road (near Wagon Train State Recreation Area)**

Dear Mr. Dekalb:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. The area requested for a zoning change is adjacent to Wagon Train State Recreation Area (SRA). The proposed change from Agricultural to Agricultural Residential is for future subdivision and sale of lots for residential development.

Wagon Train SRA is a 720-acre public use area that is open to camping, fishing, and hunting. NGPC believes it is necessary to require new developments to remain at least 200 yards back from public property where hunting is allowed. Nebraska law states, "It is unlawful to hunt, take, or trap any wild mammal or wild bird within a two-hundred yard radius of an inhabited dwelling or livestock feedlot". Encroachment of residential housing next to an SRA causes safety concerns, and the time to address this is before the development occurs.

These public use areas with lakes have become very popular for nearby housing developments and as densities increase, the public's enjoyment of recreational experiences will decrease. A review of the aerial photograph shows that, in the past, some housing development has occurred adjacent to this NGPC property. This development has already impeded hunting on a portion of the SRA, and additional development in the proposed location would further reduce hunting opportunities. Our recommendation is to deny the change of zone request. If this zoning change is approved, our recommendation is to not allow development within 200 yards of the NGPC property.

Thank you for the opportunity to review this proposal. If you have any questions, please contact me at (402) 471-5423.

Sincerely,

Carey Grell  
Environmental Analyst  
Realty and Environmental Services Division

cc: Jeff Hoffman, NGPC